

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

**WILMA COOLIDGE, as Executor of the
Estate of Howard Southard, deceased,**

Plaintiff,

10-CV-363S(Sr)

v.

**AMENDED CASE
MANAGEMENT ORDER**

UNITED STATES OF AMERICA,

Defendant.

By joint request of counsel, this Court's Amended Case Management Order dated November 1, 2011 is hereby amended as follows:

1. All fact depositions shall be completed no later than **November 30, 2012.**
2. Plaintiff shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **December 21, 2012.** Defendant shall identify any expert witnesses who may be used at trial and provide reports pursuant to Fed. R. Civ. P. 26(a)(2)(B) no later than **January 18, 2013.**
3. All expert depositions shall be completed no later than **March 22, 2013.**

4. All applications to resolve discovery disputes shall be filed no later than 30 days before the discovery completion date. In the event of a bonafide discovery dispute that cannot be resolved by counsels' good faith efforts (*see generally* Local Rule 37), the parties shall submit, by joint letter, signed by all counsel, a statement of the issue(s) to be resolved by the Court. Each party, within five business days thereafter, shall submit by letter a statement of facts and law it wishes the Court to consider. The Court reserves the right to request full briefing by the parties, in which case the Court will so advise the parties.

5. All discovery in this case shall be completed no later than **March 29, 2013**.

6. Dispositive motions shall be filed by all parties no later than **May 10, 2013**. *See generally* Local Rule 7.1(c); 56. Such motions shall be made returnable before Judge Skretny unless the referral order grants the Magistrate Judge authority to hear and report upon dispositive motions. The parties are directed to provide a courtesy copy of all motion papers to the Judge who will be hearing the motion.

7. In the event no dispositive motions are filed, a Status Conference is set for **May 21, 2013 at 10:00 a.m.** before the Hon. H. Kenneth Schroeder, Jr.

8. Mediation sessions may continue, in accordance with Section 5.11 of the ADR Plan, until **May 17, 2013**. The continuation of mediation sessions shall not delay or defer other dates set forth in this Case Management Order.

9. **NO FURTHER ADJOURNMENTS WILL BE GRANTED
ABSENT A SHOWING OF EXTRAORDINARY CIRCUMSTANCES.**

10. Counsel are directed to refer to Judge Skretny's Guide to Civil Practice for additional guidelines.

11. Sanctions: Counsel's attention is directed to Fed.R.Civ.P. 16(f) calling for sanctions in the event of failure to comply with any direction of this Court.

SO ORDERED.

DATED: Buffalo, New York
August 27, 2012

S/ H. Kenneth Schroeder, Jr.
H. KENNETH SCHROEDER, JR.
United States Magistrate Judge